



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/828,919

04/20/2004

Michael J. Adang

UGR-100XD1

6165

23557 7590 09/17/2008  
SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
PO BOX 142950  
GAINESVILLE, FL 32614-2950

EXAMINER

LIU, SUE XU

ART UNIT

PAPER NUMBER

1639

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 1639

**Continuation Sheet**

**Item 3**

Applicant's proposed amendments would bring new structural and/or functional limitations (e.g. "an insecticidal Cry toxin"; "an insecticidally active fragment of a full-length Cry protein") into the pending claims (e.g. Claims 20 and 38), and thus would require new searches in both prior art considerations and other issues for patentability determination. Thus, the proposed claim amendments as filed on 8/14/08 will not be entered.

**Item 11**

Applicants' arguments of the outstanding rejections are based on the proposed claim amendments and/or arguments presented previously. As discussed under Item 3, the instant claims as would be amended are not entered due to consideration of new issues. Applicants are also directed to the previously mailed Office action (mailed on 4/14/08) for answer to arguments.

All outstanding claim objections/rejections as set forth in the previous office action are maintained for the reasons of record.

SL  
AU 1639

/JD Schultz, PhD/  
Supervisory Patent Examiner, Art Unit 1635